

## **Overview of the DUI Process in West Virginia**

If you are pulled over in West Virginia by law enforcement while driving with a BAC higher than the upper limit of 0.08%, you may be subjected to criminal, as well as administrative actions.

Initially, a DUI arrest in West Virginia starts the clock for the criminal court case against you. Approximately two to three weeks after your West Virginia DUI, you will receive by mail your notice of the initial criminal court hearing date, and to which Magistrate in that particular West Virginia County your case has been assigned. If you are seeking legal advice and/or assistance, you can find the WV Bar Association's Lawyer Referral Service on line at: <http://www.wvlawyerreferral.org/>

In addition, immediately following any in state DUI arrest, an administrative license revocation action will be triggered. The State DMV will seek to revoke your driver's license for a set period for either blowing over the legal limit on the breath alcohol test or for your refusal to take the requested alcohol breath test during the arrest. For questions concerning the license revocation process you will find the WV DMV online at: <https://transportation.wv.gov/dmv> or reach them by phone at 1-800-642-9066.

Finally, the administrative portion of the process includes a DUI Education course component, the DUI Safety and Treatment Program. Anytime your driver's license is revoked for a DUI offense, you must complete a prescribed DUI Safety and Treatment program before you will be able to get your license reinstated. The West Virginia Department of Health and Human Resources, Bureau for Behavioral Health and Health Facilities oversees this program and has established Memorandums of Understanding with local agencies across the state to provide these services. Please note that the length of this program may vary depending on whether this is your first offense and the underlying type of DUI charges.

To learn more about the WV Safety and Treatment program and/or to find a local provider you can reach us by phone at: 1-877-215-2522 or find information on online at: <https://dhhr.wv.gov/bhhf/Sections/programs/ProgramsPartnerships/AlcoholismandDrugAbuse/Pages/WVDUIResidents.aspx>

Finally, if you are an out of state resident who received a DUI in West Virginia, you can contact the Bureau for Behavioral Health's DUI Unit for information regarding the process for out of state DUI education and/or if you need assistance in locating a licensed DUI educator in your area by calling 1-877-215-2522 or emailing [wvdui@wv.gov](mailto:wvdui@wv.gov)